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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,093	01/20/2004	Chia-Chi Teng	CFP00350 (18084/145)	1422
23595	7590	05/05/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402				FISCHMANN, BRYAN R
ART UNIT		PAPER NUMBER		
				3618

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/761,093	TENG ET AL.	
	Examiner	Art Unit	
	Bryan Fischmann	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 January 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) 1-6 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

Specification

1. The abstract of the disclosure is objected to because of the following:
 - A) It is believed that wording would be improved if the term "player" were replaced by the term "user" in the latter portion of the abstract.
2. The specification is objected to because of the following:
 - A) The following recited phrases are unclear, awkwardly worded, and/or grammatically incorrect:
 - 1) It is believed that wording would be improved if the term "player" were replaced by the term "user" on pages 1 and 4 of the specification.
 - B) The following inconsistencies in nomenclature were noted:
 - 1) The penultimate line of page 3 and the upper portion of page 4 recites "lower stays 32". The last line of page 3 recites "lower stays 321". Line 2 of page 4 recites "tube 321".

To avoid confusion to the reader, and to facilitate identifying components by nomenclature in the claims, it is requested Applicant use consistent nomenclature for the same reference number throughout the specification.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference signs not mentioned in the description: 21 and 44. Correction is required.

Claim Objections

4. Claim 1 is objected to because of the following:

A) Claim 1 recites "...a rear wheel assembly including a rear wheel and pivotably connected to a second end of each of the two pedal assemblies...".

It is believed that wording would be improved if the word "and" were deleted and replaced with the phrase ", said rear wheel assembly" before the word "pivotably" in the above recitation.

When the above recitation is read "literally", it is not totally clear whether the "rear wheel" or the "rear wheel assembly" in "pivotally connected" to the second end of the pedal assemblies.

Allowable Subject Matter

5. Claim 1 would be allowable if rewritten or amended to overcome the claim objection set forth in this Office action.

6. Claims 2-6 would be allowable if rewritten to overcome the claim objection set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

Reasons for Allowance

7. The following is an Examiner's statement of reasons for allowance of independent claim 1:

Claim 1 recites the limitation of a scooter comprising; a head tube, two pedal assemblies having a first end thereof pivotably connected to the extension,

and, a rear wheel assembly including a rear wheel and pivotably connected to a second end of each of the two pedal assemblies, a spring connected between each one of the two rear wheel assemblies and each one of the two pedal assemblies. This limitation, in combination with the other limitations of claim 1, were not found in the prior art.

While Lin, US Patent Application Publication 2004/0075230 teaches many of the limitations of claim 1, Lin fails to teach the claim 1 limitation of a spring connected between each one of the two rear wheel assemblies and each one of the two pedal assemblies. Lin instead teaches a "linkage assembly", reference numbers 28 and 281-283 to connect the rear wheel assemblies and the pedal assemblies of Lin. Since this linkage assembly of Lin allows the pedal 24 of Lin to "steer" the rear wheel assemblies of Lin, it is not considered obvious, or desirable to substitute a spring for the linkage assembly of Lin, or add a spring in "parallel" to the linkage assembly of Lin, as this would adversely affect the ability of the pedal of Lin to steer the rear wheel assemblies of Lin.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. This application is in condition for allowance except for the following formal matters:

The abstract, specification, drawing and claim objections set forth in this Office Action.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Feng, Beleski, JR., Tsai, Rappaport, Yeo, et al, Yu, Chuang – teach vehicles similar to Applicant's

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bryan Fischmann whose telephone number is (571) 272-6694. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis, can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



5-2-5

BRYAN FISCHMANN
PRIMARY EXAMINER